APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
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ART UNIT	PAPER NUMBER
2645	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)
	09/918,867		POWELL ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2003* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)	
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *12* .		6)☐ Other:	

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/10/2003 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   **Claims 1-3, 5-6, 8, 12, 15-16, 25-27, 29-31, 35 and 38-39** are rejected under 35

U.S.C. 102(e) as being anticipated by Lee (US 5,504,805).

        Regarding **claim 1**, Lee discloses a system for calling number identification using

speech recognition (column 1, lines 8-10), (which reads on claimed "an apparatus for

facilitating communications between a caller and a called party"), the apparatus

comprising:

storage (18 on FIG. 1) for storing a message (column 3, line 62 "record a

message") for the called party (column 3, line 48 "the called party") provided by the

caller (column 3, line 62 "the calling party"), and data concerning a telephone number

(column 3, line 66 "a number") in association with the message for contacting the caller

(column 3 line 44 to column 4, line 4) [The calling party attempts to leave a message for

the called party and a number is recognized in the verbal message provide by the

calling and is loaded into the memory];

a mechanism interface (26 on FIG. 1) for causing an establishment of a first

connection to deliver the message therethrough to the called party (column 2, line 53 to

column 3, line 4) [The controller allows the called party to retrieve messages through

the telephone network interface inherently establishing a connection with the called

party];

a device (28 on FIG. 1) for detecting a signal generated by the called party

(column 5, line 10 "commanded the microprocessor to dial the number"), which

indicates an initiation of a call to the caller (column 5, lines 2-13) [The microprocessor

determines whether the command received from the called party is to dial the number];

and

a switch interface (10 on FIG. 1) responsive to the detected signal for retrieving

from the storage the data concerning the telephone number stored in association with

the message, a second connection to a communication device associated with the

telephone number being established based on the retrieve data, the first connection

being connected to the second connection (column 5, lines 13-20) [The microprocessor

retrieves and transfers the phone number to the dialer to dial the number through the

telephone network interface inherently connecting the called party to the calling party].

Regarding **claims 2 and 26**, Lee discloses wherein the message is recorded by

the caller (column 3, lines 44-67).

Regarding **claims 3 and 27**, Lee discloses wherein a message identification is

assigned to the message for association with the telephone number (column 4, lines 51-

65).

Regarding **claims 5, 15, 29 and 38**, Lee discloses wherein the telephone

number is provided by the caller (column 3, lines 44-67).

Regarding **claims 6, 16, 30 and 39**, Lee discloses wherein the signal includes a

DTMF signal (column 2, lines 53-67).

Regarding **claim 8**, Lee discloses a system for calling number identification using

speech recognition (column 1, lines 8-10), (which reads on claimed "a messaging

system") comprising:

storage (18 on FIG. 1) for storing a message (column 3, line 62 "record a

message") for a called party (column 3, line 48 "the called party") provided by a caller

(column 3, line 62 "the calling party") whose call to a called station associated with the

called party was previously unanswered, and data concerning a telephone number

(column 3, line 66 "a number") in association with the message for contacting the caller

(column 3 line 44 to column 4, line 4) [The calling party attempts to leave a message for

the called party and a number is recognized in the verbal message provide by the

calling and is loaded into the memory];

an interface (34 on FIG. 1) for eliciting from the caller at least one preference

concerning delivery of the message party (column 2, line 53 to column 3, line 4) [The

control pad allows the called to send multiple commands];

a mechanism (26 on FIG. 1) for causing an establishment of a first connection to

the called station to deliver therethrough the message in accordance with the

preference party (column 2, line 53 to column 3, line 4) [The controller allows the called

party to retrieve messages through the telephone network interface inherently

establishing a connection with the called party];

a device (28 on FIG. 1) for detecting a predetermined signal (column 5, line 10

"commanded the microprocessor to dial the number") from the called station (column 5,

lines 2-13) [The microprocessor determines whether the command received from the

called party is to dial the number]; and

a switch interface (10 on FIG. 1) responsive to the detected predetermined

signal for retrieving from the storage the data concerning the telephone number stored

in association with the message, a second connection to a calling station associated

with the stored telephone number being established based on the retrieved data, the

first connection being connected to the second connection (column 5, lines 13-20) [The

microprocessor retrieves and transfers the phone number to the dialer to dial the

number through the telephone network interface inherently connecting the called party

to the calling party].

Regarding **claims 12 and 35**, Lee discloses wherein the call was unanswered

due to a ring-no-answer condition (column 3, lines 44-67).

Regarding **claim 25**, Lee discloses a system for calling number identification

using speech recognition (column 1, lines 8-10), (which reads on claimed "a method for

facilitating communications between a caller and a called party"), the method

comprising:

storing a message for the called party provided by the caller, and data

concerning a telephone number in association with the message for contacting the

caller (column 3 line 44 to column 4, line 4) [The calling party attempts to leave a

message for the called party and a number is recognized in the verbal message provide

by the calling and is loaded into the memory];

causing an establishment of a first connection to deliver the message

therethrough to the called party (column 2, line 53 to column 3, line 4) [The controller

allows the called party to retrieve messages through the telephone network interface

inherently establishing a connection with the called party];

detecting a signal generated by the called party, which indicates an initiation of a

call to the caller (column 5, lines 2-13) [The microprocessor determines whether the

command received from the called party is to dial the number];

in response to the detected signal retrieving from the storage the data concerning

the telephone number stored in association with the message, causing an

establishment of a second connection to the telephone number based on the retrieve

data, and connecting the first connection to the second connection (column 5, lines 13-

20) [The microprocessor retrieves and transfers the phone number to the dialer to dial

the number through the telephone network interface inherently connecting the called

party to the calling party].

Regarding **claim 31**, Lee discloses a system for calling number identification

using speech recognition (column 1, lines 8-10), (which reads on claimed "a method for

use in a messaging system"), comprising:

storing a message for a called party provided by a caller whose call to a called

station associated with the called party was previously unanswered, and data

concerning a telephone number in association with the message for contacting the

caller (column 3 line 44 to column 4, line 4) [The calling party attempts to leave a

message for the called party and a number is recognized in the verbal message provide

by the calling and is loaded into the memory];

eliciting from the caller at least one preference concerning delivery of the message (column 2, line 53 to column 3, line 4) [The control pad allows the called to send multiple commands];

establishing a first connection to the called station to deliver therethrough the message in accordance with the preference (column 2, line 53 to column 3, line 4) [The controller allows the called party to retrieve messages through the telephone network interface inherently establishing a connection with the called party];

detecting a predetermined signal from the called station (column 5, lines 2-13) [The microprocessor determines whether the command received from the called party is to dial the number];

in response to the detected predetermined signal, retrieving from the storage the data concerning the telephone number stored in association with the message, establishing a second connection to a calling station associated with the stored telephone number based on the retrieve data, and connecting the first connection to the second connection (column 5, lines 13-20) [The microprocessor retrieves and transfers the phone number to the dialer to dial the number through the telephone network interface inherently connecting the called party to the calling party].

4.   **Claims 17-18 and 40-41** are rejected under 35 U.S.C. 102(e) as being

anticipated by Gray et al. (US 5,625,682).

Regarding **claim 17**, Gray discloses an help desk improvement (column 1, lines

5-8), (which reads on claimed "a communications system accessible by a customer for

obtaining information about a desired party"), the system comprising:

a server (30 on FIG. 2) for providing a destination telephone number for

contacting the desired party (column 3 lines 11-19) [The trunk driver communicates to

the application to enable a message generation which is sent to the calling subscriber,

who is inherently provided a destination number to the system];

a mechanism for causing an establishment of a first connection to a destination

station (column 10, line 31 "a first call") associated with the destination telephone

number (column 3, lines 20-30) [The calling subscriber using the telephone keypad to

send a ticket number to establish a connection between the caller and the agent];

a processor (3 on FIG. 1) for monitoring signals on the first connection (column 2,

lines 60-67) [The processor operates an application to communicates with a voice

recognition to recognize a message generation, line and trunk];

an interface (26 on FIG. 2) for prompting the customer to provide a message

(column 3, line 49 "a message") when a signal (column 3, line 48 "agents are busy")

from the first connection indicating that the destination station is not answering is

detected (column 3, lines 48-58) [The driver sends a message to the caller inviting the

caller to leave a message];

storage (5 on FIG. 1) for storing the message provided by the customer and data

concerning a calling telephone number (column 3, line 59 "the number") in association

with the message for contacting the customer, a second connection to the destination

station being established to deliver the message therethrough (column 3 line 59 to

column 4, line 20) [The callback message is stored provided to a voicemail DSP driver

for processing by the DSP, a connection is made to the agent when the agent is free];

a device (28 on FIG. 2) for detecting a predetermined signal (column 4, lines 14-

20) [The line driver determines that the agent is free and causes the caller to be

connected with the agent]; and

a switch interface (20 on FIG. 2) responsive to the detected predetermined signal

for retrieving from the storage the data concerning the telephone number stored in

association with the message, a third connection to a calling station (column 5, line 26

"automatically dial the caller") associated with the calling telephone number being

established based on the retrieve data, the second connection being connected to the

third connection (column 5, lines 18-28) [The application access the callback number

left by the caller and connects the agent and the caller in a voice connection].

Regarding **claims 18 and 41**, Gray discloses wherein the call was unanswered

due to a busy condition (column 3, lines 48-58).

Regarding **claim 40**, Gray discloses an help desk improvement (column 1, lines

5-8), (which reads on claimed "a method for use in a communications system

accessible by a customer for obtaining information about a desired party"), the method

comprising:

providing a destination telephone number for contacting the desired party

(column 3 lines 11-19) [The trunk driver communicates to the application to enable a

message generation which is sent to the calling subscriber, who is inherently provided a

destination number to the system];

establishing a first connection to a destination station associated with the

destination telephone number (column 3, lines 20-30) [The calling subscriber using the

telephone keypad to send a ticket number to establish a connection between the caller

and the agent];

monitoring signals on the first connection (column 2, lines 60-67) [The processor

operates an application to communicates with a voice recognition to recognize a

message generation, line and trunk];

prompting the customer to provide a message (column 3, line 49 "a message")

when a signal (column 3, line 48 "agents are busy") from the first connection indicating

that the destination station is not answering is detected (column 3, lines 48-58) [The

driver sends a message to the caller inviting the caller to leave a message];

storing the message provide by the customer, and data concerning a calling

telephone number in association with the message for contacting the customer (column

3 line 44 to column 4, line 4) [The calling party attempts to leave a message for the

called party and a number is recognized in the verbal message provide by the calling

and is loaded into the memory];

establishing a second connection to the destination station to deliver the

message therethrough (column 3 line 59 to column 4, line 20) [The callback message is

stored provided to a voicemail DSP driver for processing by the DSP, a connection is

made to the agent when the agent is free];

detecting a predetermined signal (column 13, line 14 "an input") from the

destination station (column 4, lines 14-20) [The line driver determines that the agent is

free and causes the caller to be connected with the agent];

in response to the detected predetermined signal, retrieving from the storage the

data concerning the telephone number stored in association with the message,

establishing a third connection to a calling station associated with the calling telephone

number based on the retrieve data, and connecting the second connection to the third

connection (column 5, lines 18-28) [The application access the callback number left by

the caller and connects the agent and the caller in a voice connection].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   **Claims 4, 14, 28 and 37** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lee in view of Hammond (US 5,155,761).

Regarding **claims 4, 14, 28 and 37**, Lee as applied to **claims 1, 8, 25 and 31**

differs from **claims 4, 14, 28 and 37**, in that it fails to disclose an automatic number

identifier.

However, Hammond teaches wherein the telephone number is derived from an

automatic number identifier (column 4, lines 51-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the automatic number identifier of Hammond in the invention of Lee.

The modification of the invention would offer the capability of an automatic number identifier of an automatic callback for certain incoming calls.

7.   **Claims 7, 9-11, 13, 32-34 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Corlett et al. (US 5,832,060).

Regarding **claims 7**, Lee as applied to **claim 1**, differs from **claim 7**, in that it fails to disclose a voice response unit.

However, Corlett teaches a voice response unit (18 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the voice response unit of Corlett in the invention of Lee.

The modification of the invention would offer the capability of a voice response unit such as the system would facilitate connection between calling party and called party.

Regarding **claims 9 and 32**, Corlett discloses wherein the preference includes a time range within which the message is delivered (column 10, lines 30-45)

Regarding **claims 10 and 33**, Corlett discloses wherein the number of attempts to deliver the message is not greater than a predetermined maximum limit (column 10, lines 30-45).

Regarding **claims 13 and 36**, Corlett discloses wherein the call was unanswered due to a communication problem (column 6, lines 44-51).

8.   **Claims 11 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Gray.

Regarding **claims 11 and 34**, Gray discloses wherein the call was unanswered due to a busy condition (column 3, lines 48-58).

9.   **Claims 19, 23-24, 42 and 46-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Lee.

Regarding **claims 19 and 42**, Lee teaches wherein the call was unanswered due to a ring-no-answer condition (column 3, lines 44-67).

Regarding **claims 23 and 46**, Lee teaches wherein the telephone number is provided by the caller (column 3, lines 44-67).

Regarding **claims 24 and 47**, Lee teaches wherein the signal includes a DTMF signal (column 2, lines 53-67).

10.   **Claims 21-22 and 44-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Hammond.

Regarding **claims 22 and 45**, Hammond teaches wherein the telephone number is derived from an automatic number identifier (column 4, lines 51-56).

Regarding **claims 21 and 44**, Hammond teaches an operator assisting the customer to obtain the information (column 5, lines 25-40).

11. **Claims 20 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gray in view of Corlett.

Regarding **claims 20 and 43**, Corlett teaches wherein the call was unanswered

due to a communication problem (column 6, lines 44-51).

Response to Arguments

12. Applicant's arguments with respect to **claims 1-47** have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Nakano is cited for a telephone system with message recording function (FIG. 1).

Hanson et al. is cited for a method for a prepaid return call (FIG. 1).

14. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-

0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9306 for

regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4800.

g.g.
January 11, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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